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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/524,545	03/08/2006	James C. LeBlanc Sr	21291	1421
77176 7590 06/09/2009 Novak, Druce & Quigg LLP 1300 I Street, N.W. Suite 1000, West Tower WASHINGTON, DC 20005				
EXAMINER				
CULBRETH, ERIC D				
ART UNIT		PAPER NUMBER		
3616				
MAIL DATE		DELIVERY MODE		
06/09/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/524,545

**Applicant(s)**

LEBLANC SR ET AL.

**Examiner**

Eric Culbreth

**Art Unit**

3616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 May 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1, 4-9, 11-23, 26-52 and 54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 4-8, 11-21, 23, 26-41, 43-52 and 54 is/are allowed.
- 6) ☒ Claim(s) 9, 22 and 42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsman's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the cylindrical rollers inclined at 45 degrees relative to the bearing axis and 90 degrees relative to the axis of the successive roller (claims 1 and 23), ball joint connections (claims 8 and 41), pressure source (claim 9), means providing regulated amounts of air (claim 22), gearbox (claim 49), aligned shafts (claim 51) and differential gear assembly (claim 52) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings were received on 4/7/09. These drawings are not approved (Figure 10a shows rollers at 45 degrees and 90 degrees to the successive roller, but as described in the advisory action the drawing does not show how these rollers are integrated into the rest of the assembly).

3. The drawings are objected to under 37 CFR 1.83(a) because they fail to show the details of valve 109 in Figure 9 as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either

"Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to because of the following informalities. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

a. Reference numerals 58 and 59 are not on Figures 6-10 and 16 but rather on Figure 14, which is confusing (page 5 of substitute specification filed 4/7/09).

- b. Reference numeral 40a refers to both a plate and an opening (page 6, line 12; page 7, line 6 of the original specification; the correction could not be located in the substitute specification, possibly because the pages are not numbered);
- c. Reference numeral 51b (page 7, line 15, original specification) is not on the drawings.
- d. Reference numeral 26a does not refer to a shaft in Figure 9a (page 7, line 16, original specification).
- e. Reference numeral 26a is not in Figure 9 (page 7, line 16).
- f. Reference numeral 90 refers to different parts of the invention (Figure 5 vs. Figure 6 vs. Figure 11; page 7, line 9 from the end of the page); a reference numeral should only refer to one part of the invention, and the drawings and specification should be carefully reviewed (these would not appear to be corrected in the substitute specification and drawings; it is noted that the substitute specification's pages are not numbered).
- g. Reference numeral 15, (page 8, line 12) is not on the drawings.
- h. Reference numeral 26a refers to a flange at page 8, line 17 and referred to a shaft at page 7, line 16.

### ***Specification***

- 5. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction

of the following is required: There is no support for claim 8 (ball joint connections) nor claim 52.

6. The amendment filed 4/7/09 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: It is new matter on page 7 to now state that the roller bearing arrangement of Figure 10a (which was not approved) is well known and conventional.

Applicant is required to cancel the new matter in the reply to this Office Action.

7. The substitute specification has not been entered because of the new matter. Also, the substitute specification states that the roller arrangement is conventional but cites no evidence of such (i.e., no patents or other publications showing the arrangement is conventional).

8. It is also noted that claims 1, 4-8, 14-15, 23-24, 26, 28-35, 41, 45-46, 49, 51-52 and 54 were indicated allowable when the limitations of 45 degree rollers and 90 degree alternation were added to claims 1 and 23 (see the action mailed 10/8/08). If the applicant is now conceding that these are conventional well known features (the material added to the substitute specification), then these claims may be rejected as

obvious in view of Dangel et al and Yoshida applied in that action in view of applicant's now admitted prior art.

***Claim Rejections - 35 USC § 112***

9. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

10. Claims 9, 22 and 42 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The passageway able to communicate air the tire is not disclosed in an enabling manner because of the lack of details regarding the valve. Similarly, the means providing regulated amounts of air is not disclosed in an enabling manner (claim 22). Noting applicant's remarks of 5/20/09 that the passageways and valve are adequately shown, this is not persuasive because one could not build the passageway and valve from the drawings and disclosure (no details of the valve are shown or described in an enabling manner, passage 103 does not lead to the tire in Figure 7). Even when claims 9, 22 and 42 are amended to recite the passageway as "communicable with a pressure source" and with a passageway in the rim, there has to be a utility to the claimed features (i.e., this would become a 35 USC 101 rejection if the applicant is now attempting to claim a passageway on the hub knuckle that does nothing).



***Allowable Subject Matter***

11. Claims 1, 4-8, 11-21, 23, 26-41, 43-52 and 54 are allowed.
12. Claims 9, 22 and 42 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 1st paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric Culbreth whose telephone number is 571/272-6668. The examiner can normally be reached on Monday-Thursday, 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571/272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Eric Culbreth  
Primary Examiner  
Art Unit 3616

/Eric Culbreth/  
Primary Examiner, Art Unit 3616